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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID ROBERT THOMSON,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:17-cv-02932-RFB-EJY

**UNOPPOSED MOTION FOR AN
EXTENSION OF TIME TO FILE REPLY TO
OPPOSITION TO MOTION TO DISMISS
THIRD AMENDED PETITION FOR WRIT
OF HABEAS CORPUS
(ECF NO. 42)
(FIRST REQUEST)**

Respondents, through legal counsel, Aaron D. Ford, Attorney General of The State of Nevada, and Michael J. Bongard, Senior Deputy Attorney General, hereby move this court for a thirty (30) day enlargement of time, up to and including January 27, 2021, in which to file the reply to the Opposition to the Motion to Dismiss David Thomson's Third Amended Petition for Writ of Habeas Corpus by a Person in State Custody Pursuant to 28 U.S.C. §2254. The reply is currently due December 28, 2020.

Respondents base this motion on the declaration of Counsel.

This is Respondents' first request for an extension of time in which to file the reply and made in good faith and not for purposes of delay.

DATED this 22nd day of December 2020.

AARON D. FORD
Attorney General

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

DECLARATION OF MICHAEL J. BONGARD

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2 1. I am a Deputy Attorney General employed by the Attorney General's Office of the State
3 of Nevada in the Post-Conviction Division, and I make this declaration on behalf of Respondents' Motion
4 for Enlargement of Time to file the reply to the Opposition to Motion to Dismiss filed by petitioner (First
5 Request) in the above-captioned case. By this motion, I am requesting a thirty (30) day enlargement of
6 time, up to and including, January 27, 2021, to file and serve the reply. The reply is currently due
7 December 28, 2020.

8 2. Thomson filed his opposition to the motion to dismiss on December 21, 2020. ECF No.
9 56. By rule the reply is due December 28, 2020. Counsel is currently working on the reply to the
10 opposition to the motion to dismiss and the oppositions to the motion for discovery and the motion for
11 evidentiary hearing in *Moore v. Gittere*, USDC Case No. 2:13-cv-655-JCM-DJA. Counsel has requested
12 an enlargement of time to file those pleadings and when granting the enlargement of time, the Court
13 started that no further extensions would be granted absent unforeseen circumstances. Counsel must also
14 file an answer brief and an answer to a state habeas petition by December 31, 2020. Those two pleadings
15 are drafted. Counsel need only review the final drafts and incorporate edits to the pleadings prior to
16 filing.

17 3. On December 22, 2020, Counsel e-mailed opposing counsel, Paola M. Armeni, regarding
18 her position on Counsel's motion. Ms. Armeni returned Counsel's e-mail on December 22, 2020 stating
19 that she did not oppose this motion.

20 4. For the reasons stated above, counsel respectfully asks this Court to grant the request for
21 an extension of time of an additional thirty (30) days to file the reply in this matter.

22 DATED this 22nd day of December 2020.

23 IT IS SO ORDERED:

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25 

26 RICHARD F. BOULWARE, II
27 United States District Judge

28 DATED this 28th day of December, 2020.

By: /s/ Michael J. Bongard
Michael J. Bongard (Bar No. 007997)
Senior Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing *Unopposed Motion For An Extension Of Time To File Reply To Opposition To Motion To Dismiss Third Amended Petition For Writ Of Habeas Corpus (ECF No. 42) (First Request)* with the Clerk of the Court by using the CM/ECF system on the 23rd day of December 2020.

The following participants are registered EM/ECF users and will be served by the CM/ECF system.

Paola M. Armeni, Esq.
Clark Hill LLP
3800 Howard Hughes Parkway, Suite 500
Las Vegas, NV 89169

/s/ C. Martinez
An Employee of the Office of the Attorney General